

This application is in response to communications filed 4 December 2007. Amendments presented therein to the method claims specifying that the reference line is measured in a lateral midline image absolve issues presented under the second paragraph of 35 U.S.C. 112 and 35 U.S.C. 101. Amendment(s) to the claims do not introduce new matter.

#### **EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. William Morriss (Reg. No. 60,477) on 28 February 2008. The amendment herein below resolves all potential issues under 35 U.S.C. 101 and places the application in condition for allowance.

#### **The application has been amended as follows:**

Please replace claim 18 as follows and cancel claim 19:

18. A program product embodied in a tangible, recordable media, comprising:
  - (a) a program configured to receive a thin section diagnostic image of a patient's brain and to determine coordinates of a Talairach anterior commissure (AC) – posterior commissure (PC) reference line within the thin section diagnostic image and to define a coordinate system of the diagnostic image with reference to the Talairach AC-PC reference line; and

- (b) a tangible signal bearing media bearing the program; wherein the diagnostic image is a lateral computerized tomography (CT) scout image, wherein the program is further configured to receive a midline sagittal MR scan, and wherein the program is further configured to:
    - (a) identify a line passing through the hard palate on the MR scan;
    - (b) calculate an angle between the patient's hard palate and the Talairach AC-PC reference line in the MR scan;
    - (c) identify a line passing through the patient's hard palate on the diagnostic image; and,
    - (d) utilize the calculated angle to adjust a CT pitch prescription.
19. (cancelled)

***Reasons for Allowance***

The following is an examiner's statement of the reasons for allowance:

The prior art does not teach or suggest performing an image processing operation to determine coordinates of a Talairach AC-PC reference line by identifying a line passing through the hard palate structure in an image and utilizing the identified line to approximate the AC-PC reference line as about 12 degrees more extended than the hard palate in a lateral midline image, in combination with the other features of the invention as recited in claim 1. Additionally, the prior art does not teach or suggest an associated program product (embodied in a tangible, recordable media) to calculate this angle between the patient's hard palate and the Talairach AC-

PC reference line in a midline sagittal MR scan to be used in a CT pitch prescription, in combination with the other features of claim 18.

***Conclusion***

Any comments considered necessary by applicant must be submitted no later than payment of the issue fee and, to avoid processing delays, should preferably be accompanied by the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to AMANDA L. LAURITZEN whose telephone number is (571) 272-4303. The examiner can normally be reached on Monday - Friday, 8:30am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian L. Casler can be reached on (571) 272-4956. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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